

REMARKS

In the Office Action, claims 1-16, 19 and 20 have been provisionally rejected on the grounds of nonstatutory double patenting of copending Application No. 11/009,696. Further, claims 1, 4-6, 9-10, 12-13, 15-16 and 20 have been rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 3,484,788 to Bell et al. Also, claims 2-3, 7-8, 11, 14 and 17-19 have been rejected under 35 USC 103(a) as being unpatentable over Bell et al.

It is first noted that two typographical errors in the specification have been corrected by amendment herein. No new matter has been entered.

In response to the Office Action, Applicant first notes that no claims have issued from co-pending Application No. 11/009,696. Therefore, Applicant offers to file a terminal disclaimer with respect to claims 1-16, 19 and 20 in the event that claims issue in co-pending Application No. 11/009,696. In further response to the Office Action, independent claims 1, 10 and 16 have been amended. Specifically, each of these independent claims now requires an empty inner volume defined by the exterior surface of the envelope. Also, each independent claim has been amended to require that the first envelope end be fixed to the ground. Further, claims 4 and 12 have been amended to more specifically require that the guy wires be attached to the exterior surface of the envelope. Support for these amendments is found in the specification in Figs. 1-2D and in passages on page 3 at lines 6 through 12, on page 4 at lines 22 through 24, and on page 5 at lines 10 through 17.

Amendments to the claims have been presented herein to improve the readability of the claims and to more specifically point out the features that distinguish the present

invention over the cited art. Further, the amended claims more clearly define the device and method of the present invention. Claims 1-20 remain pending.

Rejection Under Nonstatutory Double Patenting

In the Office Action, claims 1-16, 19 and 20 were provisionally rejected on the ground of nonstatutory double patenting in view of U.S. Application No. 11/009,696. As stated above, Applicant offers to terminally disclaim any provisionally rejected claims in the event that claims issue in co-pending Application No. 11/009,696.

Rejections under 35 USC 102(b)

In the Office Action, claims 1, 4-6, 9-10, 12-13, 15-16 and 20 were rejected under 35 USC 102(b) as being anticipated by Bell et al.

In response, each of the independent claims has been amended to require that the envelope have an empty inner volume that may be inflated to raise the observation platform or device. Also, each independent claim now requires that the first envelope end be fixed to the ground. Importantly, these two claim limitations require a ground-mounted device that includes no internal structure but that forms an inner volume for raising an observation platform or device. In other words, Applicant's envelope inflates and raises the platform or device without requiring any additional structure. This is markedly different from the device of Bell et al.

Unlike this invention now claimed, Bell et al. do not disclose the use of such an envelope. Instead, Bell et al. rely on a combined structure (i.e., fabric cylinder 10 and pressurized housing 14, with reel 22 and cable 28) in order to raise antennas. As such,

Bell et al.'s cylinder must be in fluid communication with its pressurized housing. Further, Bell et al. do not disclose an empty inner volume. Instead, the cylinder of Bell et al. houses a cable 28. Specifically, in the combined structure used by Bell et al., the cable 28 is positioned within the space enclosed by a fabric cylinder 10. With this structure, Bell et al. are able to unwind their cylinder from the reel upon pressurization of the housing. Also, it is noted that Bell et al. do not anchor their cylinder 10 to the ground, but instead connect it to the housing 14. As can be seen, Bell et al. provide a distinct inflatable device with different performance from the claimed invention.

Accordingly, Applicants respectfully contend that the basis for rejecting claims 1, 4-6, 9-10, 12-13, 15-16 and 20 under 35 U.S.C. 102(b) has been overcome and the rejection should be withdrawn.

Rejections Under 35 U.S.C. § 103

In the Office Action, claims 2-3, 7-8, 11, 14 and 17-19 were rejected under 35 USC 103(a) as being unpatentable over Bell et al.

As stated above, each independent claim has been amended to require an envelope having an empty inner volume and which is fixed to the ground. As further stated above, Bell et al. fail to disclose such an envelope. Further, Bell et al. do not suggest the structural elements required by the pending claims. As a result, Bell et al., not only fail to disclose the claimed invention, but they fail to suggest the claimed invention, and instead teach away from its claimed structural limitations.

For the reasons provided above, Applicants assert that the basis for rejecting claims 2-3, 7-8, 11, 14 and 17-19 for being unpatentable has been overcome.

In light of the arguments presented above for distinguishing the claimed present invention from the cited reference, Attorney for Applicant respectfully submits that the cited reference fails to disclose or suggest the claimed invention. Consequently, Applicants contend that claims 1-20 are novel and nonobvious with respect to the combination of cited references.

The references cited by the Examiner, but not relied on for the rejection of claims, have been noted.

In conclusion, Applicants respectfully assert that claims 1-20 are patentable for the reasons set forth above, and that the application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned at 619-688-1300 for any reason that would advance the instant application to issue.

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Respectfully submitted,



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